IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION.

CIVIL APPLICATION NO.393 OF 2003

IN

CIVIL APPLICATION NO.41 OF 2001

IN

FIRST APPEAL NO.1612 OF 1996.

M/s. Greenland Developers : Appellants.

versus

Shri Dattatray @ Dattu Govind

Goje & ors. : Respondents.

Mr.Jokim Reis i/by S.M.Kazi for the appellants.

Mr.K.Y.Mandlik for Respondent No.8.

CORAM : D.G.DESHPANDE,J.

DATED : 24th February 2005.

ORAL ORDER

1. This is an application taken out by the petitioners for restoration of the appeal which was dismissed in default on 3rd April 2002.

Advocate for Respondent No.8; is present. The appellants were directed to give notices to other side. They have given notices and the notices have been returned with remarks "refusal". This is, therefore, sufficient service. Looking to the explanation given, the application is allowed. Appeal is restored to file. Both the advocates agree that since the claim in the appeal is less than Rs.Two lacs, the appeal will have to transfer to the District Judge, Pune. Accordingly, the appeal is transferred to the District Judge, Pune. Appeal along with R & P should be immediately sent to the concerned Judge.

[D.G.DESHPANDE]

24/02/2005 JUDGE.